

Once again, I will vote for this legislation because the risk to our soldiers and veterans is too great. Time simply ran out. But we should all be concerned by the manner in which this bill was presented.

Mr. BYRD. Madam President, I regret that again this year I must vote against the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and Senator WARNER and the staff of the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, S. 3001 also provides authorization for the funding of continued operations in Iraq at levels requested by the Bush administration and without any provision to either transition the military mission in Iraq or to bring our troops home. In my view, providing this funding without conditions, without strings attached, is unacceptable.

In my view, the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. In effect, this bill also provides a congressional authorization to fund the continuation of President Bush's policy in Iraq into 2009, without any strings attached. Amendments filed that would have limited the mission of U.S. forces in Iraq were not even considered during debate on the bill. That is truly unfortunate.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotations to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight, despite efforts to declare the surge a success in bringing stability to Iraq. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a "hollow force," as happened after the Vietnam conflict, putting our entire Nation at greater risk.

Our military commanders in Afghanistan are urgently requesting additional and substantial numbers of troops to counter the rising violence there, but there are few troops to spare for them. As a result, we risk losing whatever gains have been made there, in the actual central front of the war on terror and the hunt for Osama bin Laden and the al-Qaida organization. We must win that fight, there, or face more attacks like the one that took

place today against the U.S. embassy in Yemen.

I support our troops and I will not let them to lack for anything needed to do their job or to keep them safe. But I cannot countenance leaving them in Iraq forever, with no limits placed on their mission and no assurances by our commander in Iraq that this war is making the United States any safer.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back, the pending amendments are withdrawn, and the clerk will read the title of the bill for the third time.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a significant second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

My KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—88

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Huthison	Salazar
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wicker
Dodd	McCaskill	Wyden
Dole	McConnell	
Domenici	Menendez	

NAYS—8

Allard	DeMint	Sanders
Byrd	Feingold	Vitter
Coburn	Graham	

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The bill (S. 3001), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

#### DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3002) to authorize appropriations for fiscal year 2009 for the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3003) to authorize appropriations for fiscal year 2009 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

The bill (S. 3004) to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this bill is the 47th consecutive national defense authorization bill that has come out of the committee and been brought to the Senate floor for debate and passage. Every year since 1961, the Senate has met the challenge, overcome obstacles, and negotiated ourselves to the point of final passage. Because of the vital importance of this bill to the men and women of our Armed Forces and to the Nation, this was a bill that was worth fighting for for passage. It is part of the rich tradition of the Senate. We all can be proud of that tradition.